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CONGRESS OF THE U. STATES.

Thirty-Third Congress—First Session.

SATURDAY, AUGUST 5, 1854.

SENATE.

The Senate met at twelve o'clock.

A message was received from the House of Representatives by Mr. Forney, their Clerk, announcing to the Senate that the Speaker of the House having signed sundry enrolled bills, he had brought them to the Senate for the signature of their President.

The PRESIDENT *pro tem.* then signed the bills which had just been received from the House, and they were delivered to the committee, to be presented to the President of the United States.

The bill to relinquish to the State of Wisconsin the lands reserved for salt springs therein was received from the House of Representatives, with an amendment, in which the concurrence of the Senate was requested.

Mr. DODGE, of Iowa, hoped the bill would be put upon its passage at once. It granted no land, but simply allowed the State to use certain lands heretofore granted for the benefit of the State University. He hoped the amendment would be concurred in.

Mr. HUNTER would cheerfully consent, if the resolution allowed it. But the resolution which was adopted yesterday provided that no legislative business should be done after 4, p. m., on that day.

The CHAIR put the question to the Senate, who refused to act on the bill.

After some time, Mr. MORTON called the attention of the Senate to the fact that the pages of the House of Representatives had received a more liberal compensation than those of the Senate. He was aware that under the resolution which had been adopted, this matter could not be reached in the ordinary way; but he hoped it would not be deemed out of order for him to submit a resolution to employ the Senate pages in the folding-room for sixty days after the adjournment of Congress, at the usual rate of compensation which they receive as pages. This was a matter pertaining exclusively to the Senate, and he thought it would not be excluded by the resolution.

The PRESIDING OFFICER (Mr. PETTIT in the chair) stated it as his opinion that the resolution could not be received.

Mr. MORTON, in order to test the sense of the Senate, appealed from that decision.

Mr. WELLER understood the rule to apply only to that kind of business which was legislative in its character—which required the concurrent action of the two houses of Congress. If no motion except a motion to adjourn could be entertained, how could the Senate proceed to the consideration of executive business?

Mr. BRIGHT said that the rule was distinct, as excluding all business; and it was of no use to make an effort to test the question, as there was less than a quorum present, and he should be compelled to call for a division.

Mr. WELLER replied, enforcing the position that legislative business alone, which required the action of both houses, was intended to be excluded by the rule.

The CHAIR put the question, "Shall the decision of the Chair stand as the judgment of the Senate?" when

Mr. STUART, in order to dispose of the matter, moved to lay the appeal on the table.

Mr. CHASE said that no such motion could be made, under the resolution; neither could an appeal be taken at all. The Senate could do nothing except adjourn.

The matter then dropped. In a few minutes a communication of an executive character was received from the President of the United States; whereupon,

Mr. WALKER moved that the Senate proceed to the consideration of executive business.

Mr. JONES, of Tennessee, asked whether that motion was in order?

The CHAIR decided that it was in order.

Mr. JONES, of Tennessee, remarked that the Chair could decide as he pleased with perfect impunity, as an appeal could not be taken.

The question being put, the motion was agreed to; and after remaining in executive session for nearly an hour, the Senate adjourned until next Monday morning at 8 o'clock, at which time, in pursuance of the joint resolution, the first session of the Thirty-third Congress will terminate.

HOUSE OF REPRESENTATIVES.

The House met at 10 o'clock, a. m.

Prayer by the chaplain of the Senate.

There being only six members present, the reading of the journal was informally dispensed with, and

The Speaker vacated the chair.

At a quarter to eleven o'clock, about twenty-five members being present,

The SPEAKER signed sundry enrolled bills, and said as there would be more bills ready to sign at noon, he would suggest that the House take a recess until one o'clock, p. m.

Mr. CLINGMAN. I hope there will be no objection.

There being no objection, the House took a recess.

The House met at one o'clock.

THE VETO MESSAGE.

Mr. PHILLIPS said the journal not having been read, he did not know whether the President's message vetoing the river and harbor bill was placed on the record?

The SPEAKER replied that as it was received by the House without objection, it was recorded on the journal, and would lie on the table.

Mr. PHILLIPS said it was well known that there was no quorum present for the transaction of business when the message was called for, but he wished to know whether it would be proper to enter a motion upon the minutes to consider the message, and have the motion for consideration postponed until the next session of Congress. In other words, it was evident that the mere sending in of a message vetoing a bill did not end the bill; the constitution looking to some future action. He desired to know whether, if it was proper for Congress to receive the message and record it, there could be anything improper in entering with it a motion to consider, and that that motion should be postponed.

The SPEAKER said at the time the message was received there might have been a quorum present, although there was not subsequently, when the reading of the message was asked for. It was for this reason he had ordered its reception to be recorded.

He decided that he joint resolution for the adjournment of the present session of Congress prohibited any further action.

After some debate as to whether the fact that there was no quorum was ascertained before the message was received,

Mr. RICHARDSON said: I am only desirous to say that I differ from the President on the subject of the river and harbor bill, and at the appropriate time I want to state my reasons why I differ. It is due to myself, due to him, and due to the House, that I should state now that there can be no reason why, in this country, appropriations should be made for the Atlantic and Pacific seaboard that does not apply to the interior harbors. If the policy which provides for the improvement of the seaboard is right, that which provides for the improvement of the interior is also right. If one policy is wrong, so is the other. If we are to have appropriations for improvements upon the Atlantic and Pacific coasts, there is no reason why we should not have them in the interior; and a government which does the former and not the latter does injustice to us. It is wrong, and on that point we separate.

Mr. CAMPBELL had no intention to indulge in any remarks upon the President's message to-day. He merely rose for the purpose of saying that he struck hands with the gentleman from Illinois [Mr. RICHARDSON] in the proposition he had laid down. He (Mr. C.) had never yet been able to discover, by anything he had ever read in the constitution, why Congress should take the money which belonged to the whole community, and use it for the improvement of the seaboard, and treat with utter neglect those vast arteries of commerce in the interior. Whenever the time comes, when leaving the rights of the people of the great interior, and sustaining the power of the Executive and the seaboard, shall be made a test, he would be found standing up for the former against all party influences.

Mr. PRATT desired to know if there was any question before the House?

The SPEAKER said there is no question before the House.

Mr. CAMPBELL said his remarks had been elicited by what had fallen from the gentleman from Illinois.

Mr. HIBBARD rose to make a remark.

The SPEAKER. Is it the pleasure of the House to hear the gentleman? The Chair cannot allow debate at all except by unanimous consent.

Mr. CAMPBELL. I move that the House do now adjourn.

Mr. HIBBARD appealed to the gentleman to withdraw the motion.

Mr. CAMPBELL. I will be very happy to hear the gentleman from New Hampshire or any other gentleman, but I merely desire, before taking my seat, to give the reason for my remarks. It is this: There is now more than one-half of the population of this great nation in the Mississippi valley, and as a matter of course one-half of the population have the benefits of either internal or external commerce, and of measures for their common defence and general welfare. We have had fifteen years, and not one single bill for the improvement of the great rivers and harbors of that immense valley has been passed.

The people of that valley come up here by their representatives, without distinction of party, and they urge their claims. They find that the very measure that has been carried by the friends of the Executive in both branches of the legislature, composed as both houses are of a democratic majority of two to one, is stricken down by the power of one man, who claims that the great principle of his administration is that which recognises "popular sovereignty."

I will come here at the next session of Congress ready to strike hands with the gentleman from Illinois, or any other man who will support these interior interests, without regard to party, and who will protect popular rights against this exercise of the executive power.

Mr. HIBBARD was understood to say that he was sorry to hear from a gentleman so fair-minded as his friend from Ohio [Mr. CAMPBELL] remarks so calculated to create sectional feeling. He did not think the gentleman meant it, and hoped it would not have such an effect. He was sure that, in striking hands with the gentleman from Illinois in a political combination, he would not produce a division of the democratic party.

Mr. PRATT again moved to adjourn; but the House refused to adjourn.

Mr. SMITH, of Alabama, asked unanimous consent to his printing, as if delivered to-day, a speech he had prepared on Mr. Marcy's letter on the Martin Koszta case. There being no objection, leave was given.

Mr. BARKSDALE was aware that there were parties joining together in the country who had claimed to be whigs, free-soilers, and abolitionists, and had not been particularly astonished at those combinations or fusions, but he must confess that he was somewhat astonished at the fusion they had seen in the House this morning. He thought the country also would be somewhat astonished.

The gentleman from Ohio [Mr. CAMPBELL] and the gentleman from Illinois [Mr. RICHARDSON] have struck hands in the American Congress! I congratulate my friend from Illinois on the company he has placed himself in this morning. He has fought a gallant and glorious battle this session against the gentleman from Ohio and his friends, and the victory is gained. He now surrenders his arms, and shakes hands with the gentleman from Ohio. Now, however worthy my friend from Ohio may be personally, that gentleman will not have me to co-operate with him against the democratic party. I take it that a democrat in Mississippi could be a democrat in Illinois; and if I were to go to my democratic constituents in Mississippi and tell them that I shook hands with the gentleman from Ohio, [Mr. CAMPBELL,] I should have no very cordial reception. It is different with the gentleman from Illinois, [Mr. RICHARDSON,] but it would not be right with me.

Mr. STRAUB obtained unanimous consent of the House to print some remarks on the veteran soldiers of 1812.

Mr. RICHARDSON. My friend from Mississippi [Mr. BARKSDALE] congratulates me that I find myself in company with the gentleman from Ohio. I have stood as I still stand on this question, and I fear not the consequences. I have my opinions on every subject, and I have them without regard to anybody else. I repeat, I do not care what the President may think upon this subject, upon that subject, or upon any other subject; that policy or that government that allows appropriations for the seaboard, and claims it as constitutional, and then denies appropriations to the interior, is wrong, and unjust, and I condemn it. The position I assume I assume for myself here, elsewhere, and everywhere.

When you come to strike down appropriations for everything of this kind—to strike down appropriations for New York, for Philadelphia, for Baltimore, for New Orleans, and for all other places; for light-houses, for buoys, for custom-houses, coast surveys, and all these things—then, gentlemen, I will go with you; but when you come to say that you are for these things, and against those things that are equally for the benefit of the country, I say it is unjust and wrong. And when you claim the right under the constitution to make appropriations for the seaboard, and deny them to the interior, I do not care who stands with me, or if I stand alone in my opposition. It is just, it is right, and I will stand by it.

Mr. BARKSDALE wished to ask the gentleman from Illinois what purposes he regards as national, and what he regards as local.

Mr. RICHARDSON. I will tell the gentleman my opinion about this thing. I think General Jackson was about as good a man upon this subject as anybody else.

Mr. FLORENCE. Pretty good authority our way.

Mr. RICHARDSON. When I go home and tell my people that I stand on the principles laid down by Gen. Jackson, they will not condemn me, even if it should appear that the gentleman from Ohio [Mr. CAMPBELL] is standing by me. I might ask, sir, and I ask triumphantly, if the great Mississippi river, running through some ten States, is not a national river? If the improvement of that river be not a national work, I do not know what is a national work.

Mr. CAMPBELL was again about to address the House, when

Mr. BUGG, rising to a privileged question, moved that the House adjourn.

The House refused to adjourn—ayes 11, noes 15.

Mr. RICHARDSON asked permission to make a few further remarks; but objection being made, he obtained permission to print his remarks.

Mr. FLORENCE asked leave to make a personal explanation in relation to the President's message: objected to.

At 2 o'clock the House adjourned until half-past seven o'clock, a. m., on Monday next.

For the Union.

FUGITIVE-SLAVE LAW AND WRIT OF HABEAS CORPUS IN WISCONSIN.

MILWAUKIE, (Wis.,) July 30, 1854.

MR. EDITOR: Since the escape of Glover, a fugitive slave, who was rescued here by a mob of abolitionists headed by one S. M. Booth, every opportunity has been seized upon by the abolition journals to exaggerate and falsify the fact, Booth himself is the publisher of a vile sheet from whence originate all the fabrications which have found an extensive circulation through the columns of the New York Tribune and other papers of that stamp. Perhaps it may be well to submit a plain statement of facts, which will enable the public to determine whether Wisconsin is still in the Union or not. One might suppose, from the tone of the Tribune, that Wisconsin had nullified the constitution of the United States, and was about to secede. But the sequel will show that our State judges, after being launched upon an unknown sea, without rudder or compass, in spite of treacherous winds and angry storms, have at length made the very harbor in safety from whence they departed, with reputations slightly damaged. Our supreme court consists of three justices. Before any indictment had been found against Booth, and while he was under recognizance, an arrangement was made by which he was to be surrendered by his bail, and recommitted by the commissioner, for the purpose of testing the legality of the commitment and the constitutionality of the fugitive-slave act, before Abram D. Smith, one of said justices, upon a *habeas corpus*, which he allowed and issued for that purpose. He discharged Booth from his imprisonment, and gave a lengthy opinion, in which he maintained that the *mittimus* was informal and void, and that the act of 1850 was unconstitutional; because, 1st, it gives jurisdiction to commissioners; 2d, it does not provide a trial by jury for the fugitive slave; and, 3d, that Congress has no power under the constitution to legislate upon the subject. This decision was taken to the supreme court on *certiorari*, and affirmed. Judge Smith adhered to his former opinion. Judge Whiton concurred with him, except as to the last point, while Judge Crawford dissented, and gave an opinion in favor of the constitutionality of the act. In the mean time a term of the United States court was held, and Booth was indicted. He was arrested upon a warrant issued out of that court, and, in default of giving bail, was committed to the common jail. His counsel at once applied to the supreme court—which was still in session—for a writ of *habeas corpus* to relieve him from his imprisonment. The writ was refused, by the unanimous opinion of the court, on the ground that the prisoner was held under the exclusive jurisdiction of the United States court, and that the State court could not interfere for want of jurisdiction. Thus, at last, the court recognises a sound principle of law, which, if firmly adhered to, will prevent conflict and promote the peace and tranquillity of the Union. In this the court is sustained by all the papers of our State, except the abolition papers, whose designs have been wholly defeated by it.

In view of what has transpired, we attach great importance to this last decision. If it simply rendered the other innocuous, it would then be a great triumph over fanaticism. But it goes further, and recognizes the exclusive jurisdiction of the United States in cases arising under the laws and constitution of the Union, which, of course, renders their former decision "an empty annunciation," and protects the officers of the United States from further molestation or interference in the future. The court is now denounced by those who but yesterday had elevated its members far above Mansfield, Holt, Marshal, and Story.

"A Daniel, still say I; a second Daniel!
I thank thee, Jew, for teaching me that word."

WISCONSIN.

For the Union.

REPEAL OF THE MISSOURI COMPROMISE.

There appears to be an organized effort to abuse and prejudice the public mind in reference to the passage of the Nebraska-Kansas bill, which has lately received the official sanction of the President of the United States. What the object to be attained by this systematic attack upon the bill and its advocates and supporters is, may be a question upon which there is a difference of opinion, and before I finish what I propose to say upon the whole subject you will doubtless learn what is the opinion of at least one of its friends.

The Missouri Compromise (for so it is called) is repealed, and we are told that it was an act uncalled for by any American citizen; that it was a violation of public faith; that it was the repeal of a solemn compact, as sacred as the constitution. &c., &c. In the first place, I wish to have it distinctly understood, that I do not appear as an apologist for the system of American slavery; that I was born and bred at the North, and all my early impressions, education, and sympathy tended to make me an opposer of the system, and to lead me to do all in my power to ameliorate the condition of the slave.

I wish it also understood that I hold that the South has equal rights with the North under the constitution, and that we at the North have no more right to interfere with the internal affairs of the southern States than they have to control our municipal regulations; that we at the North are not responsible for the existence of slavery in the United States, nor can we remedy it if we would.

I shall attempt to show that the 8th section of the act of Congress, approved March 6, 1820—commonly called the Missouri Compromise, and which has quite lately become so sacred in the eyes of some politicians—was passed in violation of the constitution, and contrary to the express stipulations of the treaty by which the territory affected thereby was acquired. Although some are disposed to sneer at the idea that Congress have no power to regulate the internal affairs of a Territory any more than a State, still, that is not a sufficient argument to convince me that they have; neither is the fact that Congress have legislated for the people of the Territories, without objection, conclusive in my mind. I look to the instrument itself, which is clear and unequivocal, and needs no secondary evidence or doubtful inferences to explain it.

The second subdivision of the third section of the fourth article of the constitution is the clause under which the power is claimed to legislate for the people of a Territory, and is as follows: "The Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States," &c.

Now, we hold that all the power conferred on Congress by this clause of the constitution (and it is clear and unequivocal) is to dispose of the territory or land, (for territory, in this place, means nothing more than a tract of land—see Webster's Dictionary,) and to make all needful rules and regulations respecting the land owned by the general government—as regards surveying, bringing it into market, &c. Congress shall have power to dispose of what—the people who inhabit the Territories? No one will argue it. And make all needful rules and regulations respecting what—the people and "other property?" Impossible!

It may be well in this connexion to observe, that this clause of the constitution is not in the article which delegates all the *legislative* power conferred on Congress by that instrument.

We are told by a distinguished member of Congress, who boasts of his thirty years' view, as a grave senator, of the working of this government, that the Territories are the minor children of the States, and that the States are *bound* to exercise the guardianship over them. This is carrying the doctrine further than the English government ever attempted to with her North American colonies. She only claimed the *right* to exercise the guardianship, never for a moment insisting that she was bound to do so. Is it true that American citizens are governed by an oligarchy, whose power over them is absolute and unlimited, and which is in no wise accountable to them for the manner in which that power is exercised? Had the framers of the constitution intended to have conferred on Congress this absolute power to legislate for the Territories, how easy a matter it would have been for them to have made use of plain and unmistakable language for that purpose, as in the case of the federal District, &c. Article 1, section 8, subdivision 16 of the constitution says: "To exercise *exclusive legislation*, in all cases whatsoever, over such District, * * * and to exercise the like authority over all places purchased for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings." Now, there is no mistaking this language; and, furthermore, it appears to be in that article which alone confers legislative powers. How easy it would have been for the framers of the constitution, if they had intended to have given the authority claimed by some under the clause first referred to, to have inserted in this eighth section the following: and to exercise the like authority over all territory now owned or which may be hereafter acquired. This would have been sufficient to have conferred the power in such terms that there could be no question about it. But they did not insert it, from the very fact that they never intended to grant any such power. If this clause means what is claimed for it, what the necessity of the other? For certainly, after saying that Congress shall have the power of exclusive legislation for the Territories and other property belonging to the United States, there could be no necessity of enumerating in another clause what was included in this. The federal District is territory of the United States, and the "forts, magazines, arsenals, dock-yards, and other needful buildings," are "other property."

But it is urged that the power to make laws for the people of the Territories must exist somewhere, otherwise their persons and property are entirely unprotected. I answer, it does exist. It remains just where the constitution found it—that is, in the hands of the people. To prevent misconstruction, and the abuse of the powers conferred by the constitution, further declaratory and restrictive clauses were added, on the proposition of the first Congress, among which is the following:

"ARTICLE 10. The powers not delegated to the United States by the constitution, nor prohibited by it to the States, are reserved to the States respectively or *to the people*."

Where in the constitution, let me ask, is the power delegated to legislate for the people of the Territories, and especially where is it in the first article, which contains all the legislative powers delegated to Congress by that instrument? If the power cannot be found in the constitution, then it is necessarily reserved "to the people."

Thus much for the doctrine which an honorable member of Congress calls a monstrosity.

Was it a monstrosity for our forefathers to claim some rights, and to rebel against the mother country because they were withheld? But, says the honorable gentleman, "heretofore they (the Territories) have been held to be wards of Congress, and *entitled to nothing under the constitution but that which Congress extended to them.*" What tyrant ever claimed more of his oppressed victims? You are my wards, and have nothing to say about what concerns you, or you are entitled to nothing but what I am pleased to vouchsafe to you. Which, I ask, is the monstrosity—the doctrine of the sovereignty of the people, or the doctrine of the absolutism of Congress? Which is most in keeping with our free institutions and the *demos kratio* principle, about which the honorable gentleman above referred to harps so much?

I have said that the Missouri Compromise was unconstitutional, in that it violated the express stipulations of the treaty by which the Louisiana territory was acquired.

That treaty stipulated to secure to the inhabitants of the ceded territories all the *rights, privileges*, and *immunities* of the original citizens of the United States; and for their admission conformably to that principle into the Union, Louisiana was purchased as a country in which slavery was the established law of the land; and as Congress had no power to abolish or prohibit slavery in the original States of the Union, it was equally destitute of the power in the territory ceded by France to the United States, in which slavery existed at the time of the acquisition.

Now, what is this Missouri Compromise?

"SEC. 8. *And be it further enacted*, That in all the territory ceded by France to the United States which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited."

Under the treaty what right had Congress, admitting its exclusive and absolute right to legislate for the Territories generally, to prohibit the exercise of this privilege, right, or immunity, if you please, which was possessed by the original citizens of the United States, and which was guarantied the Territory by the said treaty?

John Quincy Adams is referred to as having given an opinion, while in the cabinet of President Monroe, in favor of the constitutionality of this law. But let me refer you to his speech made afterwards, when a member of Congress, on the admission of the State of Arkansas into the Union. He says: "I cannot, consistently with my sense of my obligations as a citizen of the United States, and *bound by my oath to support their constitution*—I cannot object to the admission of Arkansas into the Union as a slave State.

* * * * * * *

"She is entitled to admission as a slave State—as Louisiana and Mississippi, and Alabama and Missouri, have been admitted into the Union—by virtue of that article in the treaty which secures to the inhabitants of the ceded Territories all the rights, privileges, and immunities of the original citizens of the United States, and stipulates for their admission, conformably to that principle, into the Union. Louisiana was purchased as a country wherein slavery was the established law of the land. As Congress have not the power, in time of peace, to abolish slavery in the original States of the Union, they are equally destitute of the power in those parts of the territory ceded by France to the United States by the name of Louisiana, where slavery existed at the time of the acquisition. Slavery is, in this Union, the subject of *internal legislation in the States*, and in peace is cognizable by Congress only, as it is tacitly tolerated and protected, where it exists, by the constitution of the United States, and as it mingles in their intercourse with other nations. Arkansas, therefore, comes, and has the right to come, into the Union, with her slaves and her slave laws. *It is written in the bond*, and however I may lament that it ever was so written, I must faithfully perform its obligations. I am content to receive her as one of the slaveholding States of this Union." Such is the language of John Quincy Adams, whose disciples many of the opponents of the repeal of the Missouri Compromise profess to be. All the reasoning in regard to Arkansas is equally good and applicable in the case of the Territories affected by the Missouri Compromise.

But, says one, slavery did not exist in that Territory. I answer, it was a portion of the Louisiana Territory, and the slave laws of that Territory extended over the whole of it. It existed legally, if not in fact, and was in the same condition as Arkansas and most of Missouri. For proof that this same Territory was slave territory prior to the passage of the Missouri Compromise, I refer to what Mr. Benton says, speaking of the extension of the boundary of the State of Missouri in 1836. He says that it was "accomplished by the extraordinary process of altering a compromise line intended to be perpetual, and *the reconversion of soil which had been slave, and made free, back again from free to slave.*" (See Benton's View, vol. 1, page 627.)

If the grounds I have taken are tenable, then, I ask, should not the law be repealed? Should not the repeal of any law which is unconstitutional be called for by every American citizen, out of respect to the constitution itself, if for no other reason? Should we allow a law which is admitted to be in plain and direct violation of that instrument to remain upon the statute-book, in contempt of the supreme law of the land, and leading to contention, strife and collision between the different branches of our government?

It is asserted that the Missouri Compromise was a solemn compact, as sacred as the constitution itself, and, therefore, that it was a violation of public faith to repeal it. I shall attempt to show that this assertion is utterly false, and the conclusion based on it necessarily without foundation. A compact is a contract or agreement between parties, and is the term generally applied to the agreements between States and nations, as treaties and confederacies.

There must, necessarily, be more than one party to a contract, as there can be no contract without correlative parties. An individual, State, or nation cannot enter into an agreement alone, but must act in conjunction with another distinct party. The several States of this Union entered into a compact (the constitution) as several distinct parties; and by the terms of that compact they, for certain purposes, became merged in one body-corporate, incapable of acting independently, or, in fact, at all, excepting through the mediums thereby established. This agreement expressly prohibits any State from entering into any compact with another or with foreign powers. Now, it is alleged that this act of 1820 is a compact between the North and South—a compromise by which each yielded certain rights for the purpose of securing others. The North has no power under the constitution to enter into a compact with the South, or the South with the North, upon any subject, any more than any State or number of States of the Union have to enter into a compact, treaty, or confederacy with a foreign power. It matters not what the subject of the compact, or that all the States, being equally divided, enter into the agreement. They have already entered into a compact, which they are not at liberty to violate, whereby they have yielded that right. The constitution is explicit, and covers every imaginable case. Section 10, article 1st, says: "No State shall enter into *any treaty, alliance*, or *confederation*." This clause is not confined to a foreign power, but entirely prohibits any State or number of States from entering into a compact of any kind with any other State or States, as well as with foreign powers. But suppose that the States had this power under the constitution, is it true that they have exercised it in this particular instance? Is it true that the North and South—or, in other words, that the non-slaveholding States and the slaveholding States—ever did enter into a compact, a clause of which prohibited slavery in the present Territories of Nebraska and Kansas? When, I ask, did the South ever become a party to this Missouri Compromise? Examine the record, and tell me when it was? Was it on the passage of the act? We are told by honorable members of Congress that the South forced it upon us. An address, purporting to have been signed by the senators and a majority of the representatives from Ohio, says: "In 1820 the slave States said to the free States, 'Admit Missouri with slavery, and refrain from positive exclusion south of 36 deg. 30 min., and *we will join you* in perpetual prohibition north of that line.'" Is this a true statement of the case? We look further, and find an address, or rather a protest, against the Nebraska bill, purporting to be issued by the anti-Nebraska members of Congress, in which they say: "As it was the slaveholding power that demanded the enactment of the Missouri Compromise, so it is now the same power that has demanded its abrogation." And again: "by the terms of this compromise, the free States assented to the admission of Missouri with her slaveholding constitution; while the slaveholding States, on their part, yielded the exclusion of slavery in all the residue of the territory which lay north of 36 deg. 30 min., constituting the present Territories of Kansas and Nebraska. The slaveholding States accepted the compromise as a triumph, and the free States have ever since left it undisturbed and unquestioned." We shall see how this comports with the truth.

On the passage of this Missouri Compromise this solemn compact, which was forced by the South upon the North—this act in which "the South said to the North, *we will join you in perpetual prohibition*"—the vote in the popular branch of Congress, the House of Representatives, stood yeas 91, nays 82. Of these 91 affirmative votes, which passed the Missouri Compromise, eighty-nine were from the North and two from the South. Of the eighty-two negative votes, which did not force the Compromise upon any one, seventy-three were cast by southern men, and nine from the North. Now, is it true that this Missouri Compromise is a solemn compact between the North and the South, that these two votes against seventy-three bound the South as a party to it? Impossible! And could the North make a compromise, a compact as sacred and as binding as the constitution itself, and compel the South to sign it, *nolens volens*, and although there were only two southern representatives willing to accept it? And then, in the face and eyes of this vote, is it not the height of impudence to charge them with forcing it upon the North?—after the North had succeeded in forcing on the South—for the vote shows it—this "*irrepealable*" act, which was so sacred that it could not be touched without sacrilege, (and this prohibitory clause is not all of this act, as will be seen by referring to its title, which is as follows: "An act to authorize the people of the Missouri Territory to form a constitution and State government, *and for the admission of such State into the Union* on an equal footing with the original States, and to prohibit slavery in certain Territories.") In one short year after the adoption of this sacred Compromise, the only party who had consented to it repudiated it. It is not true, as stated in the anti-Nebraska protest above referred to, that "the free States have ever since left it undisturbed and unquestioned;" for when Missouri had formed her State government and adopted her constitution, and asked for admission into the Union, according to the terms of the first section of the compromise act, which says: "And the said State, when formed, shall be admitted into the Union on an equal footing with the original States in all repects whatsoever," the North closed the door against her, as will be seen by the record of the vote, taken in the House of Representatives, February 26, 1821, on the following resolution:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That Missouri shall be admitted into this Union on an equal footing with the original States in all respects whatsoever," &c.

Who will dispute but that the passage of this resolution was necessary to carry out this so-called compromise, especially as it is in the very words of an important clause therein contained? But how the North stood by this sacred compact of their own making, not yet a year old, the record shows. The vote on the above resolution stood—yeas 87, nays 81; and, according to the vote on the original act, we might fairly suppose that these 87 affirmative votes were cast by northern men, and the negative votes by southern men. But we find that the northern vote stood—yeas 18, nays 79. Is this leaving the sacred compact unquestioned? Does this prove the truth of the assertion made by Senator Wade in his speech on February 6—"That no man at the North had offered to deprive the South of their share of this compromise?" Does it prove the truth of the statement in the resolutions passed by the legislature of this State at its last session—"That the assent of the free States was yielded to the admission of Missouri into the Union with slavery?" It does, if the vote of eighteen representatives against seventy-nine was the voice of the free States.

It is alleged that the slave States considered the passage of the Compromise as a triumph. A few such victories would ruin any one. If the Missouri Compromise was binding on the South, slavery thereby lost an area of more than one million square miles of territoy, and did not gain a single foot.

Missouri was entitled to admission as a slave State not by virtue of the act of 1820, but, in the language of John Quincy Adams, by virtue of an article in the treaty by which the territory was acquired. Arkansas was entitled to admission by virtue of the same treaty.—(See Adams's speech on the admission of Arkansas.)

The North had no right to object to the admission of either on the ground that their organic law recognised slavery. She had no right to ask the surrender of certain rights and privileges guarantied by the treaty as a condition of their admission; neither had the South the right or the power to surrender those privileges and immunities. They were not guarantied to the South or the North, but were guarantied by the general government to the inhabitants of the territory, and they alone could yield them up.

I have said that the North within one year repudiated this compromise. The protest above referred to says that, "by the terms of this compromise, the free States assented to the admission of Missouri with her slaveholding constitution." Admit it. Does not the vote on the admission of said State, taken within one year after the passage of said compromise, show that the North repudiated that portion of it?

Again: if the South had the power to yield the privileges and immunities secured to the people of the Louisiana Territory by the treaty of acquisition, and if she was a voluntary party to the compromise, and did agree to do it, (all of which is entirely disproved,) still, by an undisputed rule of law, she was not bound by her agreement—and why? Because it was made without sufficient consideration, and therefore was without binding force. Suppose that A, in consideration that B wishes a right of way across the premises of A, agrees to convey said right of way to B: who will pretend that the agreement is binding upon A? So in this case: suppose that the South had a right to surrender the privileges guarantied to the people of the Territory, and, in consideration that the North wished her to do it, she did enter into the agreement: will the agreement in this case be any more binding than in the other? But says one, there was a consideration—and that was the admission of a slave State into the Union. It has already been shown that the North had no right to object to such admission. Furthermore, it was a right, not of the South but of the people of Missouri, and could not be made the consideration for the prohibition of rights and privileges belonging to others not a party to the transaction. It appears to me that it must be perfectly clear—

First. That Congress has no power under the constitution to legislate in any case for the people of the Territories, and consequently had no power to establish, abolish, or prohibit slavery therein.

Secondly. That had Congress the power to legislate for the people of the Territories generally, and to prohibit slavery in the Territories, it was deprived of that power in the Louisiana purchase by the express stipulations of the treaty of acquisition, whereby all the rights, privileges, and immunities, possessed by the original citizens of the United States, were guarantied to the inhabitants of that Territory.

Thirdly. That no State or States of the Union have a right to enter, as parties, into such an agreement as it is claimed the Missouri Compromise was—a "solemn compact," "an irrepealable law."

Fourthly. That the claim that the South forced the Missouri Compromise upon the North, or that the South was a party to it, or even consented thereto, or considered it as a triumph over the North, is without foundation in fact, and utterly disproved by the history of the transaction.

Fifthly. That the assertion that the North assented to the admission of Missouri, with her slaveholding constitution, and that no man at the North had offered to deprive the South of their share under this compromise, is equally without foundation.

One must be surprised, when looking over the speeches of some of the most rabid opposers of the repeal of the Missouri Compromise, made a few years since, upon the subject of compromises, and comparing them with their recent speeches and acts, to see the great "change that has come over the spirit of their dreams." Then they denounced all compromises, this not excepted, as being wrong in the very nature of things, and the offsprings of corruption. Now they have fallen in love with compromises, especially this, and claim that its repeal is a violation of plighted faith, that it is as sacred as the constitution itself, &c., &c.

The question naturally arises, what is the cause of this change? Is it real, or is there some political or other object to be attained? Is it because freedom is to lose and slavery to gain anything by the repeal? If they believe one of their own anti-Nebraska champions, (Mr. Benton,) and one who is as well qualified to judge the matter as any of them, freedom is the gainer and slavery the loser. Says he, "I see nothing which slaveholders are to gain under this bill—nothing but an unequal and vexatious contest, in which they are to be the losers."

The principle established by the Nebraska-Kansas bill is, that the *demos kratio* shall rule—that the people shall be permitted to establish their own municipal regulations; in short, it is to allow the people to exercise their own rights with respect to the prohibition or permission of slavery in Nebraska and Kansas or any other Territory.

Does this bill, which has been so severely denounced, give to the inhabitants of the Territories any power not possessed by the people of the State of New York, or by the people of any State in the Union?

What reason is there that the people of the Territories should be deprived of the power to establish their own institutions, possessed by the people of a State? The principle of this bill, carried out, removes from our national councils this fire-brand and bone of contention; and this, I apprehend, is the great secret of the opposition to the bill by many.

The agitation of the slavery question has made them notorious, and their *manifest disinterested benevolence* and *philanthropy* have placed them where they are; and whenever this slavery agitation ceases, and there is no more work for one-idea fanatical agitators, *they* will sink into obscurity and forgetfulness; hence the struggle to preserve the means of their subsistence. It is with them a question of life and death. Remove it from their reach, and you remove the food from their mouths. And why should they see it done without a struggle? Let it remain, and by appeals to the sympathies and passions of the people they have a hobby upon which they can ride into power.

The opposition to this bill among the people has, in a great measure, been produced by the misstatement and suppression of facts, both by the opponents of the measure in Congress and by political newspapers published at the North.

The old whig party was entirely broken down at the last presidential election, and the old party issues having been settled by the people against them, it becomes necessary to raise some other issue, upon which to build up a party for the support of political aspirants, who would otherwise sink into obscurity; and these political aspirants, having made themselves odious in the eyes of a portion of our citizens, attempt to establish a sectional issue, and thereby hope to unite the old whig party at the North and disaffected democrats with abolitionism, agrarianism, and every other ism that ever afflicted the land, and thus secure the ascendency. It would be well at this particular period for every American citizen to read and meditate upon the words of Andrew Jackson, which come up as a voice from the grave, and to heed his solemn warnings. He says: "We behold systematic efforts publicly made to sow the seeds of discord between different parts of the United States, and to place party divisions directly upon geographical distinctions; to excite the South against the North, and the North against the South, and to force into the controversy the most delicate and exciting topics—topics upon which it is impossible that a large portion of the Union can ever speak without strong emotion. Appeals, too, are constantly made to sectional interests, in order to influence the election of the Chief Magistrate—as if it were desired that he should favor a particular quarter of the country, instead of fulfilling the duties of his station with impartial justice to all; and the possible dissolution of the Union has at length become an ordinary and familiar subject of discussion. Has the warning voice of Washington been forgotten? or have designs already been formed to sever the Union? Let it not be supposed that I impute to all of those who have taken an active part in these unwise and unprofitable discussions a want of patriotism or of public virtue. The honorable feelings of State pride and local attachments find a place in the bosoms of the most enlightened and pure.

"But while such men are conscious of their own integrity and honesty of purpose, they ought never to forget that the citizens of other States are their political brethren; and that, however mistaken they may be in their views, the great body of them are equally honest and upright with themselves. Mutual suspicions and reproaches may in time create mutual hostility; and artful and designing men will always be found who are ready to foment these fatal divisions, and to inflame the natural jealousies of different sections of the country. The history of the world is full of such examples, and especially the history of republics.

"What have you to gain by division and dissension?

"It is impossible to look on the consequences that would inevitably follow the destruction of this government, and not feel indignant when we hear cold calculations about the value of the Union, and have so constantly before us a line of conduct so well calculated to weaken its ties."

AN AMERICAN CITIZEN.

WALTON, N. Y., July 20th, 1854.

From the New Orleans Delta.

THE ARMY OF THE UNITED STATES.

The Spanish consul's paper, which he calls "*El Compilador Americano*," but which ought to be called the "Newgate Calendar and Chronicle of Horrors," as it is devoted exclusively to the record of murders, street fights, and steamboat explosions, got up in the most approved blood-and-thunder style to scare all ideas of freedom and republicanism out of the heads of the Cubans, copies, with great apparent satisfaction, the statement of our regular army which appeared in the Delta a few days ago. This statement makes our total regular army, officers and all, 10,329, which *El Compilador* no doubt regards as a very paltry affair. Well, it is; and in the very smallness of that regular army consists our real military strength. It is the best proof of our power as a nation. It proclaims the fact that, whilst it is only necessary to keep up an establishment of 10,329 to defend our frontiers, prevent our forts from falling down, and our cannon from getting rusty, the real military power of the nation consists in a population from which a larger number of effective fighting men can be drawn than from any other population of the same numerical force in the world. France's army of 600,000 men is a mere corporal's guard compared with the militia force of these States, each and all of whom are equal in the field to the best regulars in Europe. There is no part of the United States upon which it would not be perfectly practicable to throw one hundred thousand as good soldiers as ever handled a gun in three weeks' time! These are men, too, who from boyhood up have wielded the rifle, who are self-reliant, accustomed to fatigue, and are hardened to all kinds of exposure. They are men, too, who volunteer to fight, who fight from a sentiment of patriotism, not for pay or spoils! That the Compilador may form some idea of the fighting qualities of these soldiers, we direct the attention of its editor to their conduct at New Orleans, where there were but seven hundred regulars in Jackson's army; to Buena Vista, where General Taylor had not five hundred regulars; and to various other battles of the Mexican and late war, in which glorious victories were obtained by this very militia force, not pressed into service, or enrolled under any compulsory system, but who rushed forward, in numbers far more than were needed or desired, to proceed far, far from home, to encounter all the trials and perils of campaigns in a foreign land in defence of the flag of the republic. That is the true army of the United States, which the Compilador may set down at three millions of effective men, any one of whom is equal to the best soldier in her Catholic Majesty's army.

Cannot the Compilador translate this into its columns as an addendum to its statement of the strength of the regular army of the United States?

A letter from a person at the wreck of the steamer Franklin, below New York, says:

"Two of the hands employed in diving for the cargo were attacked with cholera—one a man of herculean frame. Whilst I was there, his moans, when doubled up and his feet contracted by the cramp, were horrible. In both cases Captain J. Q. Bowne, the agent of the underwriters, gave the following: 1 table-spoonful of salt, 1 teaspoonful of cayenne pepper, half pint of hot water. The man I saw was as bad as he could be. We put his legs in a strong mustard bath, gave him the above, and in two hours he was easy and wanted to go to work."